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Meeting of States Parties

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Report of the seventeenth Meeting of States Parties

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I. Introduction

1. The seventeenth Meeting of States Parties to the United Nations Convention on the Law of the Sea[1] was held in New York from 14 to 22 June 2007, in accordance with article 319, paragraph 2 (e), of the Convention and the decision taken by the General Assembly at its sixty-first session (resolution 61/222, para. 22).

2. Pursuant to that decision and in accordance with rule 5 of the Rules of Procedure for Meetings of States Parties (SPLOS/2/Rev.4), invitations to participate in the Meeting were addressed by the Secretary-General of the United Nations to all States parties to the Convention. In conformity with rules 18 and 37 of the Rules of Procedure, invitations were also addressed to observers, including the President and the Registrar of the International Tribunal for the Law of the Sea, the Secretary-General of the International Seabed Authority and the Chairman of the Commission on the Limits of the Continental Shelf.

II. Organization of work

A. Opening of the seventeenth Meeting of States Parties and election of officers

3. Ambassador Raymond O. Wolfe (Jamaica) President of the sixteenth Meeting, opened the seventeenth Meeting.

4. Ambassador Rosemary Banks (New Zealand) was elected by acclamation President of the seventeenth Meeting.

5. Sabelo Sivuyile Maqungo (South Africa), Ganeson Sivagurunathan (Malaysia), Oksana Pasheniuk (Ukraine) and Diego Malpede (Argentina), were elected Vice-Presidents by acclamation.

6. The Meeting observed a minute of silent prayer or meditation. The Meeting paid tribute to the memory of Mr. Oleksiy Zinchenko, Principal Law of the Sea/Ocean Affairs Officer, and Secretary of the Commission on the Limits of the Continental Shelf, who passed away on 17 March 2007.

B. Introductory statements

Introductory remarks by the President

7. The President welcomed the fact that since the sixteenth Meeting, several States expressed their consent to be bound by the Convention, namely Belarus, Lesotho, Moldova, Montenegro, Morocco and Niue. As a consequence, the total number of States parties as at 30 June 2007 would be 155.

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[1] See *The Law of the Sea: Official Texts of the United Nations Convention on the Law of the Sea of 10 December 1982 and of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 with Index and Excerpts from the Final Act of the Third United Nations Conference on the Law of the Sea* (United Nations publication, Sales No. E.97.V.10).

8. The President also highlighted developments in connection with the bodies established by the Convention, namely the entry into force on 1 May 2007 of the Headquarters Agreement between the Tribunal and the Federal Republic of Germany, the establishment of the International Seabed Authority Endowment Fund for Marine Scientific Research in the Area, and the adoption by the Commission of recommendations concerning the submissions made by Brazil and Ireland respectively.

Statement by the Legal Counsel

9. Nicolas Michel, the Under-Secretary-General for Legal Affairs and Legal Counsel, made a statement in which he emphasized the goal of achieving universal participation in the Convention and strengthening the rule of law in the governance of the oceans, remarking that the recent increase in the number of States parties is another step towards achieving that goal. The Legal Counsel drew attention to the challenges faced by the Secretariat in maintaining the level of support to the Commission required in the light of its current and projected workload. The Legal Counsel also introduced the new Director of the Division for Ocean Affairs and the Law of the Sea, Mr. Václav Mikulka. Finally, he informed the Meeting about the assistance and training activities provided by the Division to developing countries, in particular, highlighting the workshops aimed at assisting developing countries in the preparation of their submissions to the Commission.

C. Adoption of the agenda and organization of work

10. The President introduced the provisional agenda (SPLOS/L.50/Rev.1). The delegation of Namibia proposed an additional agenda item entitled "Future arrangements regarding the equitable geographical distribution of members of the International Tribunal for the Law of the Sea". The Meeting adopted the agenda, including the additional item (SPLOS/159), and approved the organization of work, as outlined by the President.

III. Report of the Credentials Committee

11. On 14 June 2007, pursuant to rule 14 of its Rules, the Meeting appointed a Credentials Committee consisting of the following nine States parties: Algeria, Brazil, Germany, Guatemala, Lithuania, New Zealand, Nigeria, Philippines and Sri Lanka.

12. On 14 June 2007, Ridas Petkus (Lithuania), Chairperson of the Credentials Committee, introduced the report of the Committee (SPLOS/160). He stated that the Committee had examined and accepted the credentials of representatives to the seventeenth Meeting from 152 States parties to the Convention and recommended that the Meeting adopt a draft resolution approving the report of the Credentials Committee. On the same date, the Meeting approved the report of the Committee.[2]

[2] On 21 June 2007, the Secretariat also received credentials of the representatives of the European Community from the President of the European Commission.

IV. Matters related to the International Tribunal for the Law of the Sea

A. Annual report of the Tribunal

13. The President of the Tribunal, Judge Rüdiger Wolfrum, introduced the annual report for 2006 (SPLOS/152) and provided an overview of the work of the Tribunal during the two sessions held in 2006, the twenty-first, from 6 to 17 March, and twenty-second, from 18 to 29 September.[3] The President informed that the Tribunal had re-elected Mr. Philippe Gautier as Registrar and Mr. Doo-Young Kim as Deputy Registrar of the Tribunal, both of whom will serve for a term of five years.

14. The President reported that a substantial part of the Tribunal's sessions had been devoted to the examination of legal and judicial matters, including a review of the Rules and Judicial Practice of the Tribunal covering such subjects as the competence of the Tribunal in maritime delimitation cases, bonds and other financial security, matters relating to article 292 of the Convention, and the Guide to proceedings before the Tribunal. The President drew particular attention to the general competence of the Tribunal in maritime delimitation cases, including its advisory jurisdiction, and to articles of the Convention concerning the prompt release of vessels and crews in cases concerning pollution of the marine environment. In this connection, he informed the Meeting of the establishment of the new Chamber for Maritime Delimitation Disputes, composed of eight members of the Tribunal selected on account of their special knowledge, expertise and previous experience in maritime delimitation matters.

15. The President recalled that the Tribunal's tenth anniversary in 2006 was an opportunity to reflect on its contribution to the development of the law of the sea and its important role in the peaceful settlement of disputes relating to the application of the Convention. The occasion was marked by a ceremony in Hamburg, Germany, on 29 September 2006, followed by a symposium entitled "The Jurisprudence of the Tribunal: Assessment and Prospects", organized by the International Foundation for the Law of the Sea.[4] In this context, the President observed that the General Assembly, in its resolution 61/222 of 20 December 2006, had noted with satisfaction the continued and significant contribution made by the Tribunal to the settlement of disputes by peaceful means and underlined the Tribunal's important role and authority.

16. The President recalled that only 41 States parties had made declarations under article 287 of the Convention, and encouraged States to take greater advantage of the broad competence of the Tribunal and consider selecting it as their preferred forum for the settlement of disputes concerning the interpretation or application of the Convention.

17. He also recalled the ways in which jurisdiction could be conferred upon the Tribunal, including by notification of a special agreement. Parties could also have recourse to the Tribunal in respect of international agreements relating to the purposes of the Convention, provided that the agreement contained a clause

[3] The President, the Vice-President and the Registrar of the Tribunal also made presentations in a briefing session organized for delegates attending the Meeting of States parties.

[4] An exhibition on the activities of the Tribunal was displayed at Headquarters, New York.

conferring jurisdiction upon the Tribunal. The Tribunal's jurisdiction could also be founded on subregional, regional or global fisheries agreements relating to straddling or highly migratory fish stocks, pursuant to the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

18. The President invited States to consider making voluntary contributions to the trust fund established to assist States parties in the settlement of disputes through the Tribunal, which stood at $87,570, following a contribution by Finland in 2006. In this connection, he noted that intergovernmental organizations, national institutions, non-governmental organizations, as well as natural and juridical persons could also make contributions to the fund.

19. The President informed the Meeting that the Tribunal had organized four workshops with the support of the Korea International Cooperation Agency (KOICA) and in cooperation with the International Foundation for the Law of the Sea, respectively in Dakar, from 31 October to 2 November 2006; Libreville, on 26 and 27 March 2007; Kingston, from 16 to 18 April 2007; and Singapore, from 29 to 31 May 2007. During these workshops, participants were provided with insight into the procedures for the settlement of disputes contained in Part XV of the Convention, the jurisdiction of the Tribunal, and the procedures for bringing cases before it.

20. The first Summer Academy of the International Foundation for the Law of Sea would be held from 29 July to 26 August 2007 at the seat of the Tribunal, on the topic "Uses and Protection of the Sea — Legal, Economic and Natural Science Perspectives". With support from the Nippon Foundation, the Tribunal had also established a capacity-building and training programme (July 2007 to March 2008), which had been developed to provide government officials and researchers with in-depth knowledge of the dispute-settlement mechanisms available to States under Part XV of the Convention. Moreover, the Tribunal had published a CD-ROM of the basic documents of the Tribunal in both English and French, which was also distributed to all delegations.

21. The President also drew the attention of the Meeting to the status of the Agreement on the Privileges and Immunities of the Tribunal (SPLOS/25) and the call of the General Assembly in paragraph 33 of resolution 61/222 for States to consider ratifying or acceding to the Agreement. During the past 12 months Argentina, Belgium, Finland, Germany, Italy, Slovenia and Uruguay expressed their consent to be bound by the Agreement, bringing the total number of States parties to 30. The President also announced that the necessary notifications for the entry into force of the Headquarters Agreement were exchanged on 11 April 2007, allowing the Agreement to enter into force on 1 May 2007.

22. Concerning the appointment of staff, the President recalled the recommendation contained in General Assembly resolution 61/222 that vacancy announcements be disseminated more widely in order to recruit staff on as wide a geographical basis as possible. He reported that the Tribunal had followed this recommendation and noted that, most recently, staff members had been recruited from France, Kenya and Poland. He also pointed out that, in accordance with the Staff Regulations and Staff Rules of the Tribunal, staff at the Tribunal were selected

according to established procedures that follow mutatis mutandis the recruitment mechanism applied by the United Nations, and that the Tribunal exercises its authority in accordance with the principle embodied in article 35, paragraph 2, of the Tribunal's Rules.

23. Finally, regarding the budget of the Tribunal, the President informed the Meeting that as of 31 May 2007, there was an unpaid balance of assessed contributions for the periods 1996/1997 to 2006 in the amount of €1,154,870, and that the outstanding amount in relation to the 2007-2008 budget (year 2007) was €2,521,921. The President reminded the Meeting of the appeal of the General Assembly in paragraph 31 of resolution 61/222 that States parties pay their assessed contributions to the Tribunal in full and on time.

24. Following the Statement by the President of the Tribunal, several delegations expressed appreciation for the important work of the Tribunal and the significant contribution it had made to the development of the law of the sea and the settlement of disputes and emphasized that more use could be made of the potential of the Tribunal. Attention was drawn to the advisory jurisdiction of the Tribunal, as well as its jurisdiction in applications for prompt release of vessels and crew. Delegations also welcomed the establishment of the new Chamber for Maritime Delimitation Disputes.

25. Attention was called to the trust fund established to assist States parties in the settlement of disputes through the Tribunal and appreciation was expressed to States parties that had contributed to the fund. With regard to overdue contributions to the Tribunal, States were called upon to make prompt payment.

26. Several delegations welcomed the efforts made to promote the visibility of the Tribunal, including through regional workshops and the Guide to proceedings before the Tribunal. Some delegations also expressed appreciation to partners that facilitated these initiatives, in particular KOICA and the International Foundation for the Law of the Sea.

27. Delegations also welcomed the entry into force of the Headquarters Agreement, and delegations also welcomed the new parties to the Agreement on the Privileges and Immunities of the Tribunal. The Russian Federation announced that it had recently signed the Agreement, and calls were made for additional ratifications.

28. The Meeting took note with appreciation of the annual report of the Tribunal for 2006.

B. Report of the external auditor for the financial period 2005-2006, with financial statements of the Tribunal as at 31 December 2006

29. The President of the Tribunal introduced the report of the external auditor for the financial period 2005-2006, with financial statements of the International Tribunal for the Law of the Sea as at 31 December 2006 (SPLOS/153). He recalled that according to the auditors, the annual financial statements presented a true and fair view of the net assets, financial position and results of the operations of the Tribunal and that it was in conformity with the principles of proper accounting and with the Financial Regulations and Rules of the Tribunal and legislative authority.

The President also reported that, in keeping with the suggestions made during the deliberations on this agenda item at the sixteenth Meeting of States Parties (see SPLOS/148, para. 32), the Tribunal had advanced the closing of the financial statements for 2005-2006 by two months in order to make the audit report for the financial period 2005-2006 available for the consideration of the Meeting of States Parties.

30. A number of delegations welcomed the conclusion reached by the external auditors, emphasizing the importance of sound financial management of the Tribunal. They also noted with approval the earlier completion of the audit process, which allowed the Meeting to consider the audit report.

31. The Meeting took note of the report of the external auditors for the financial period 2005-2006.

C. Report on budgetary matters of the Tribunal for the financial period 2005-2006

32. The President presented the report on budgetary matters for 2005-2006 as contained in document SPLOS/154, covering the following issues.

Performance report for 2005-2006

33. The President recalled that, in June 2004, the fourteenth Meeting of States Parties had approved a budget of €15,506,500 for 2005-2006. Pursuant to a decision made at the sixteenth Meeting of States Parties, the Tribunal had deducted the amount of €312,684 from the assessed contributions of States parties for the year 2007. Moreover, since no new cases had been submitted during 2005-2006, savings in the amount of €2,068,915 were achieved under "Case-related costs". As a result, the Court had not utilized the cost savings from 2002 and 2004 or the supplementary budget of €351,899, approved in 2005 to finance overexpenditures.

34. The Registrar proposed that the Meeting of States Parties decide that the amount of the savings from 2002 and 2004, as well as the amount of the supplementary budget, be surrendered and deducted from the assessed contributions of the States parties for the period 2008. On this basis, the Meeting adopted the "Decision on the surrender of savings by the International Tribunal for the Law of the Sea" (SPLOS/161).

Action taken pursuant to the decisions on budgetary matters for 2005-2006 taken by the fifteenth and sixteenth Meetings of States Parties

35. The President noted that two lines of the budget for 2005-2006 approved in June 2004 were overrun. The overexpenditure amounted to €599,433 and resulted from the application of the floor/ceiling mechanism to the annual and special allowances of judges and an increase in the daily subsistence allowance applicable to Hamburg, as approved by the fifteenth Meeting of States Parties (see SPLOS/133). The Tribunal financed this overexpenditure by transfers between appropriation sections as far as possible and by using part of the savings from the financial period 2002, pursuant to paragraph 3 of the decision of the fifteenth Meeting of States Parties (SPLOS/132).

Action taken pursuant to the Financial Regulations of the Tribunal

36. The President provided information on action taken pursuant to the Financial Regulations of the Tribunal with respect to investments of funds and the KOICA trust fund. He expressed gratitude to KOICA for its additional contribution of €213,645 to the fund. He also informed the Meeting that the Tribunal and the Nippon Foundation had signed an agreement to establish a Capacity-Building and Training Programme on Dispute Resolution under the United Nations Convention on the Law of the Sea, and expressed gratitude to the Nippon Foundation for its contribution of €200,000.

Other matters

37. The President stated that the Tribunal would be examining the question of the remuneration of members of the Tribunal in light of General Assembly resolution 61/262 of 4 April 2007, and would report thereon to the next Meeting of States Parties.

38. Some delegations expressed concern over the arrears in the payment of assessed contributions and called upon States parties to honour their commitments and pay outstanding contributions in full and on time. Delegations expressed satisfaction with the responsible way in which the Tribunal had conducted its work.

D. Report on the establishment of a staff pension committee within the Tribunal

39. The President of the sixteenth Meeting of States Parties, Ambassador Wolfe, introduced this agenda sub-item. He referred to his letter, dated 27 March 2007, on the appointment of members of the staff pension committee (SPLOS/155). He reported that, in addition to the nomination of Senegal for membership of the staff pension committee, he had received a nomination for Canada to serve as an alternate member of the committee.

40. Support was expressed for these nominations. The Meeting took note of the letter and oral report of Mr. Wolfe and appointed Senegal and Canada as member and alternate member of the pension committee respectively.

V. Information on the activities of the International Seabed Authority

41. The Secretary-General of the Authority, Satya Nandan, informed the Meeting about the activities carried out by the Authority during the past 12 months.

42. He informed the meeting that the Assembly of the Authority, at its twelfth session, had adopted the biennium budget for the Authority. In this regard, the Secretary-General expressed his gratitude to the member States who contribute regularly to the budget but noted that some States had not paid their assessed contributions. As at the end of May 2007, 54 member States were in arrears for a period of two years or more, as described in the report of the Secretary-General of the Authority to the thirteenth session (158A/13/A/2).

43. At the same session, the Assembly also approved the establishment of an Endowment Fund to promote and encourage the conduct of marine scientific research in the Area for the benefit of mankind as a whole, in particular by supporting the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes and by providing them with opportunities to participate in international technical and scientific cooperation. The initial capital of the Fund consisted of the balance remaining from the application fees paid by registered pioneer investors under resolution II of the Third United Nations Conference on the Law of the Sea. In this regard, the Secretary-General will prepare detailed rules and procedures for the administration and utilization of the Fund for the thirteenth session of the Assembly. He made an appeal for further contributions to the Endowment Fund, as well as to the Voluntary Fund, to assist developing country members of the Legal and Technical Commission and the Finance Committee in their participation in meetings of those bodies, and the Voluntary Fund which assists the various expert institutions of the Authority to effectively discharge their responsibilities.

44. The Secretary-General of the Authority also noted that during the twelfth session, the Assembly had elected 15 members of the Finance Committee and the Council of the Authority had elected 25 members of the Legal and Technical Commission for a five-year term. At the next session, the Council will consider the future size and composition of the Commission and the process for future elections on the basis of a report to be prepared by the Secretary-General.

45. The Council was continuing its consideration of the draft regulations on polymetallic sulphides and cobalt-rich crusts but decided to separate the regulations on the two types of deposits. It would consider the regulations on polymetallic sulphides as a matter of priority, and refer the regulations on cobalt-rich crusts to the incoming legal and technical commission for further consideration on some of the technical issues raised in the Council. The Secretary-General of the Authority emphasized that, in respect of the prospects for commercial mining of minerals from the seabed, the economic situation seemed to be becoming more and more favourable in light of high commodity prices in recent years.

46. With respect to the development of a geological model of polymetallic nodule deposits for the Clarion-Clipperton zone seabed area, the Secretary-General of the Authority reported that most of the work with regard to resource evaluation of the polymetallic nodule resources had been completed and that some preliminary reports on proxy variables had been received from consultants. All work products would be submitted for peer review by September 2007 and a final draft of the model, reflecting the suggestions from peer reviewers and internal reviews, would be available by the end of 2007. It was therefore proposed to present the final outputs of the project (including the prospector's guide and the geological model) at an international workshop to be convened prior to the fourteenth session of the Authority in 2008.

47. The Secretary-General of the Authority also reported that the Kaplan project would conclude its work on 30 June 2007, and that the expert group had reached several conclusions on the basis of its work. The group had also made a number of recommendations in its report for the Authority's consideration for managing nodule mining and for the design of marine protected areas in the Clarion-Clipperton zone. Moreover, based on the experience gained with the Kaplan project, a number of

other potential collaborations between the Authority and international scientists and marine scientific research institutions had been identified and would be explored.

48. Since the sixteenth meeting of States Parties, the Authority had convened a ninth workshop, on technological and economic considerations for mining cobalt-rich crusts and polymetallic sulphides deposits, and was now preparing a tenth workshop on the progress made in the development of mining and processing technologies for polymetallic nodules.

49. The Secretary-General of the Authority reiterated his call for all States parties to participate in the meetings of the Authority, since the Authority could conduct its business effectively only in the presence of a majority of its members.

50. Finally, he made an appeal to the countries that were not yet parties to the 1994 Agreement relating to the implementation of Part XI of the Convention (General Assembly resolution 48/263, annex), as well as the Protocol on the Privileges and Immunities of the International Seabed Authority (ISBA/4/A/8), to become parties to those instruments.

51. In response to the statement of the Secretary-General of the Authority, several delegations expressed support for the work of the Authority and, in particular welcomed the establishment of the Endowment Fund and the Voluntary Trust Fund. The division of the draft regulations on polymetallic sulphides and cobalt-rich crusts into separate regulations was also welcomed. Progress was noted in the development of a legal framework for activities in the Area, the continuation of marine scientific research in the Area and the establishment of a technical database of information at the Authority's headquarters. The placement of summaries of workshops on the website of the Authority was also considered useful.

52. With regard to the future work of the Authority, some delegations emphasized the need for more capacity-building, cooperation and information-sharing among States parties, including through an increased number of workshops. In this regard, a request was made for information regarding three upcoming workshops. A view was expressed that the Authority should play a role in the protection and management of marine biodiversity and the promotion of responsible practices in deep seabed mining activities. The importance of making contributions to the Authority was also highlighted.

53. The Meeting took note with appreciation of the information reported by the Secretary-General of the Authority.

VI. Matters related to the Commission on the Limits of the Continental Shelf

A. Information reported by the Chairman of the Commission

54. The Chairman of the Commission, Peter F. Croker, in connection with his letter of 23 April 2007 addressed to the President of the seventeenth Meeting (SPLOS/156), made a statement in which he informed the Meeting about the activities carried out by the Commission in the preceding 12 months.

55. The Meeting took note with appreciation of the information reported by the Chairman of the Commission.

B. Workload of the Commission

56. In addition to his statement, the Chairman made a presentation on the projected workload of the Commission during the period 2007-2012.[5] He explained that his presentation was based on the most recent scientific information available, according to which the expected total number of submissions was as high as 65, almost double the number of submissions forecast at the time of the drafting of the Convention.

57. The Chairman outlined three scenarios for the future examinations of submissions by the Commission: (i) the current arrangements allow the Commission to process two submissions per year. At this rate, the Commission would complete the examination of all submissions by 2035; (ii) should the Commission be in a position to hold longer sessions, the time required to complete the examination of the submissions would be reduced. If the Commission could meet for 18 weeks per year it would be able to examine up to four submissions per year. This would allow it to complete the examination of all the submissions by 2021. Should the amount of time spent in session increase to 36 weeks per year, the completion of its work would occur by 2014; (iii) a third scenario would envisage a change in the approach to the preparation of recommendations, requiring the Secretariat to undertake more of the background work currently carried out by the subcommissions in order to reduce the processing time.

58. The Chairman then described the outcomes and implications of the three scenarios. States could decide not to take any action on this matter and let the Commission continue working under scenario (i). Alternatively, States could decide to take action that would allow the Commission to work for increased amounts of time. This solution would allow it to operate under scenario (ii), but it would have financial implications for both the States parties that defray the costs of members of the Commission and for the Division, acting as Secretariat for the Commission. Scenario (iii) would also have financial implications for both the States parties and for the Division. Moreover, additional technical staff would be required for the Division under scenarios (ii) and (iii).

59. The deliberations on the agenda items related to the Commission focused mainly on the workload of the Commission. Delegations underlined the importance of ensuring that the Commission can perform its functions under the Convention effectively and of providing it with the support it needs to face the projected increased workload. Several delegations stated that, in view of the complexity of the matter, a solution to the challenges posed by the projected workload could be found only through a comprehensive approach that combined several options outlined by the Chairman or addressed in document SPLOS/157. They noted that the estimated date of completion of the examination of all submissions as projected by the Chairman should the Commission continue operating under the current working arrangements, namely 2035, was a source of concern.

60. According to several delegations, an increase in the examination of submissions would be required for the Commission to handle the projected number of submissions. It was acknowledged, however, that it was unrealistic to expect members to work full time for the Commission, or go beyond the current level of

[5] On the issue of projected workload of the Commission, see also SPLOS/135, paras. 66-72.

work, owing to their commitments in their respective countries. In addition, delegations recognized that extending the duration of the sessions of the Commission would have financial implications for the States parties that defray the expenses of the members of the Commission in accordance with article 2, paragraph 5, of Annex II to the Convention, for the Trust Fund to enable the participation of the members of the Commission from developing countries in the work of the Commission by meeting their costs of participation, as well as for the Division, acting as Secretariat of the Commission.

61. Some delegations supported the proposal made by the Commission (see SPLOS/140, annex) that the members of the Commission receive emoluments and expenses defrayed through the regular budget of the United Nations while they are performing their duties concerning the consideration of submissions. These delegations argued that as the projected workload of the Commission would require its members to spend longer periods of time in session, it would be difficult, in particular for developing States, to defray the expenses of those they nominated, and that the Trust Fund could soon be depleted. Other delegations, however, opposed this possibility indicating that compliance with the obligations stemming from the Convention is the responsibility of States parties. It was noted by a number of delegations that this proposal did not garner consensus among States parties.

62. Some delegations proposed the broadening of the scope of the terms of reference for the two trust funds relating to the work of the Commission to, inter alia, include States with economies in transition among the beneficiaries of the voluntary fund, established to facilitate the participation of members in the work of the Commission. Other delegations stated that they would not be in a position to contribute to a trust fund which would provide assistance to other than developing countries.

63. Another delegation supported the addition of data acquisition campaigns to the activities covered by the trust fund for the purpose of facilitating the preparation of submissions to the Commission by developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention. It was also pointed out that the current terms of reference, under which developing States can apply only for reimbursement of expenses already incurred, renders it difficult to use the fund.

Several delegations called for further voluntary contributions to both trust funds.

64. It was suggested that the newly elected Commission should be given the opportunity to revisit its working methods at its upcoming twentieth session. Other delegations cautioned that continuous changes to its rules of procedure cause uncertainties for coastal States preparing their submissions.

65. A view was expressed that the Commission should ensure a level of scrutiny of the submissions that is sustainable and ensures a thorough examination of the data and information submitted by the coastal State. In this respect, some delegations stated that the time-pressure under which the Commission operates should not affect the thoroughness of the examination of individual submissions. The Commission was commended for its decision taken during the eighteenth session to identify consistent methodology and approaches for technical issues of a general nature for which neither the Convention nor the Scientific and Technical Guidelines of the Commission (CLCS/11 and Corr.1 and Add.1 and Corr.1) provide specific guidance

(see CLCS/52, para. 50). One delegation, however, recalled that there is no further information on this matter in either the documents from the nineteenth session of the Commission or in the statement of its Chairman to the Meeting. Another delegation seconded the notion that the Commission should have a consistent approach to all submissions, and made reference to changes in the rules of procedure of the Commission which lead to a difference in the current modus operandi vis-à-vis that in place at the time its submission was examined. In this respect, it expressed the wish that the experience gained by the Commission, as reflected in the evolution of the rules of procedure, would lead to an increase in the quality of its work. Some delegations noted their expectations that the Commission would examine the submissions thoroughly and pointed out that the Convention did not establish any restrictions regarding the time that the Commission may take for such an examination.

Delegations took note of the decision by the Commission to establish a system of queuing of submissions, which it adopted at its eighteenth session (see CLCS/52, para. 38).

66. While some delegations suggested that further consideration should be given to the option of reducing the number of members of subcommissions, other delegations expressed concern that this option would make it more difficult to establish subcommissions while ensuring the geographical balance of their membership.

67. As suggested by some delegations, in order to ensure continuity in the examination of a submission, subcommissions should consider retaining as specialists, members that are not re-elected at the end of their term of office.

68. A number of delegations supported strengthening the Division acting as Secretariat of the Commission in anticipation of the projected number of submissions. At the same time, some delegations emphasized that the Commission should not delegate to the Secretariat tasks where the exercise of scientific and technical judgement regarding the data and information contained in a submission is required.

69. In response to requests from delegations, the Director of the Division provided detailed information, including the cost estimates, on the requirements relating to strengthening of the Secretariat's capacity to service the Commission as summarized in paragraph 63, document SPLOS/157. These requirements had been endorsed by the Chairman of the Commission on its behalf in a letter of 3 November 2006, addressed to the Director of the Division. Regarding the biennium 2008-2009, the Director identified the following areas in which the Secretariat needs to be strengthened in view of the increasing workload of the Commission: addition of one GIS-officer post at the P-4 level, acquisition of GIS software packages with appropriate licensing, as required by the Commission, as well as necessary hardware and office equipment. For each of these areas he provided the Meeting with an overview of the current status, a projection of the needs of the Secretariat vis-à-vis the projected workload of the Commission, and the consequences which would ensue should these needs not be met.

Delegations expressed appreciation for the information provided by the Director.

70. Several delegations expressed their concern that many countries were still at an initial stage in the process of preparation of their submissions. It was

acknowledged that, generally, this delay did not result from the lack of will by the States concerned, but rather from the unavailability of resources and expertise. Some delegations informed the Meeting that they had lent their support to other States in the preparation of their submissions and urged other States, who are in a position to do so, to provide similar technical and financial assistance. The importance of the delineation of the outer limits of the continental shelf for the certainty of maritime boundaries, the extent of the international seabed area, which represents the common heritage of mankind, as well as for the economic development of many States was noted repeatedly.

71. With regard to the 10-year period for the making of a submission to the Commission, delegations recalled the provision of article 4 of Annex II to the Convention as well as decision of the eleventh Meeting of States Parties regarding the date of commencement of the 10-year period (see SPLOS/72). While it was generally considered that States should do their utmost to comply with the time limit, it was also recalled that States parties also decided to keep under review the general issue of the ability of States, particularly developing States, to fulfil the requirements of the Convention. In this connection, some delegations stated that the decision of the eleventh Meeting (ibid.) should be revisited.

72. Some delegations noted that, even though article 4 of Annex II to the Convention establishes that a coastal State shall make a submission as soon as possible but in any case within 10 years of the entry into force of the Convention for that State, in accordance with article 77 of the Convention, the rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

73. Several delegations made reference to the impact that maritime disputes have on the finalization of submissions. In this respect, the benefits of preparing a joint submission by two or more States were noted and the safeguards provided for by annex I of the Rules of Procedure of the Commission were recalled. Such benefits include sharing of expertise and resources, and the ability to establish outer limits without the need to solve first issues related to the delimitation of maritime boundaries.

74. Several delegations also raised the possibility that submissions contain only partial data or that which is currently available internationally. It was suggested that the idea of pre-registering submissions should be considered.

75. Some delegations referred to rule 4 of the Rules of Procedure of the Commission, according to which a venue other than United Nations Headquarters in New York "for an entire session, or any part thereof, may be designated by the Commission in consultation with any coastal State which made a submission to be considered at that session and with the Secretary-General, subject to the requirements established by the United Nations that no additional costs are directly or indirectly incurred by the United Nations" (CLCS/40).

76. One delegation reiterated the view expressed at the sixteenth Meeting (see SPLOS/148, para. 81), that when confronted with doubts concerning the interpretation of the Convention on issues that may affect the rights and duties of coastal States, the Commission should seek the guidance of the Meeting of States Parties.

77. During the deliberations on this agenda item, the delegations of Canada, India, Nigeria, Papua New Guinea, South Africa and Trinidad and Tobago informed the Meeting on the progress in the preparation of their respective submissions, which they intend to make to the Commission by the deadline established in article 4 of Annex II to the Convention. Uruguay specified that it planned to make its submission by March 2008. Sierra Leone indicated that it intended to make a submission before the 2009 deadline. The Russian Federation stated that it intended to submit to the Commission additional information.

78. At the proposal of the President, the Meeting decided to continue deliberations on the workload of the Commission in open-ended informal consultations under the chairmanship of Mr. Ganeson Sivagurunathan (Malaysia), Vice-President. Mr. Sivagurunathan prepared a draft decision on issues related to the workload of the Commission (SPLOS/L.52) on the basis of several rounds of consultations. The Meeting adopted the draft decision without a vote (see SPLOS/162).

C. Election of 21 members of the Commission

79. On 14 and 15 June 2007, the Meeting elected 21 members of the Commission on the Limits of the Continental Shelf for a term of five years (see para. 92 below for the composition of the present membership). The term of the previous 21 members expired on 15 June 2007.

80. In accordance with article 2, paragraph 2, of Annex II to the Convention, the Secretary-General addressed a letter to the States parties, inviting the submission of nominations, after appropriate regional consultations, to be submitted by 14 March 2007. The Secretary-General prepared a list of the 26 persons nominated and submitted the list, together with the curricula vitae of the nominees, to all States parties in documents SPLOS/150 and SPLOS/151. By a note verbale dated 8 June 2007, the Permanent Mission of the Republic of Slovenia informed the Secretary-General that the candidature of its nominee, Mr. Mitja Bricelj, had been withdrawn (see SPLOS/150/Add.1).

81. The President noted that, in accordance with article 2, paragraph 3 of Annex II to the Convention, not less than three members of the Commission shall be elected from each geographical region. She recalled that, on the basis of informal consultations conducted by the President of the sixteenth Meeting, an agreement had been reached regarding the regional allocation of seats for the purpose of conducting the third election of the members of the Commission. In this respect, she indicated that this agreement was without prejudice to the outcome of deliberations on agenda item 10 entitled "Future arrangements regarding the allocation of seats on the Commission on the Limits of the Continental Shelf". On the basis of that agreement which was adopted by the seventeenth Meeting [before the start of the election process], the allocation of seats for the third election was as follows: five members from the Group of African States; five members from the Group of Asian States; three members from the Group of Eastern European States; four members from the Group of Latin American and Caribbean States; and four members from the Group of Western European and other States.

82. The President stated that the election would be held in accordance with Annex II to the Convention and outlined the procedure for voting, according to which two thirds of the States parties would constitute a quorum for election and the members

elected to the Commission would be those candidates who obtain a two-thirds majority of the votes of the States parties present and voting. She also stated that for this election, rule 66 of the Rules of Procedure for Meetings of the States Parties should apply.

83. The elections were held by secret ballot. The representatives of Bulgaria, Chile, Myanmar, Spain and Tunisia acted as tellers for the election. Seven rounds of balloting took place.

84. In the first round of balloting, the results of voting were as follows:

For the Group of African States, out of 152 ballots cast, with one invalid ballot and two abstentions, a majority of 100 votes was required for election. Votes obtained were as follows: Indurlall Fagoonee (Mauritius) (143 votes), Lawrence Folajimi Awosika (Nigeria) (129 votes), Isaac Owusu Oduro (Ghana) (124 votes), Michael Anselme Marc Rosette (Seychelles) (124 votes), Emmanuel Kalngui (Cameroon) (99 votes) and Yao Ubuènalè Woeledji (Togo) (99 votes).

For the Group of Asian States, out of 152 ballots cast, with two invalid ballots and no abstentions, a majority of 100 votes was required for election. Votes obtained were as follows: Kensaku Tamaki (Japan) (141 votes), Wenzheng Lu (China) (130 votes), Sivaramakrishnan Rajan (India) (129 votes), Yong-ahn Park (Republic of Korea) (123 votes), Abu Bakar Jaafar (Malaysia) (122 votes) and Khalil Ibrahim Danbooh (Kuwait) (83 votes).

For the Group of Eastern European States, out of 152 ballots cast, with no invalid ballots and one abstention, a majority of 101 votes was required for election. Votes obtained were as follows: Mihai Silviu German (Romania) (144 votes), Yuri Borisovitch Kazmin (Russian Federation) (143 votes) and George Jaoshvili (Georgia) (136 votes).

For the Group of Latin American and Caribbean States, out of 152 ballots cast, with no invalid ballots and four abstentions, a majority of 99 votes was required for election. Votes obtained were as follows: Alexandre Tagore Medeiros de Albuquerque (Brazil) (144 votes), Francis L. Charles (Trinidad and Tobago) (144 votes), Galo Carrera Hurtado (Mexico) (141 votes) and Osvaldo Pedro Astiz (Argentina) (132 votes).

For the Group of Western European and other States, out of 152 ballots cast, with three invalid ballots and no abstentions, a majority of 100 votes was required for election. Votes obtained were as follows: Harald Brekke (Norway) (115 votes), Philip Alexander Symonds (Australia) (106 votes), Peter F. Croker (Ireland) (105 votes), Lindsay Murray Parson (United Kingdom of Great Britain and Northern Ireland) (97 votes), Fernando Manuel Maia Pimentel (Portugal) (89 votes) and Christian Jürgen Reichert (Germany) (81 votes).

85. Thus, 19 candidates were elected members of the Commission in the first round.

Further rounds of balloting were held in order to fill in the two remaining seats, one allocated to the Group of African States and the other one to the Group of Western European and other States. In accordance with rule 66 of the Rules of Procedure, the second, third and fourth rounds were restricted to the candidates obtaining the greatest number of votes in the first ballot to a number not more than twice the places remaining to be filled.

86. The results of the second round of balloting were as follows:

For the Group of African States, out of 152 ballots cast, with no invalid ballots and eight abstentions, a majority of 96 votes was required for election. Votes obtained were as follows: Emmanuel Kalngui (Cameroon) (79 votes) and Yao Ubuènalè Woeledji (Togo) (65 votes).

For the Group of Western European and other States, out of 152 ballots cast, with no invalid ballots and two abstentions, a majority of 100 votes was required for election. Votes obtained were as follows: Lindsay Murray Parson (United Kingdom of Great Britain and Northern Ireland) (76 votes) and Fernando Manuel Maia Pimentel (Portugal) (74 votes).

No candidate was elected in the second round of balloting.

87. The results of the third round of balloting were as follows:

For the Group of African States, out of 147 ballots cast, with no invalid ballots and five abstentions, a majority of 95 votes was required for election. Votes obtained were as follows: Emmanuel Kalngui (Cameroon) (90 votes) and Yao Ubuènalè Woeledji (Togo) (52 votes).

For the Group of Western European and other States, out of 147 ballots cast, with no invalid ballots and two abstentions, a majority of 97 votes was required for election. Votes obtained were as follows: Fernando Manuel Maia Pimentel (Portugal) (74 votes) and Lindsay Murray Parson (United Kingdom of Great Britain and Northern Ireland) (71 votes).

No candidate was elected in the third round of balloting.

88. The results of the fourth round of balloting were as follows:

For the Group of African States, out of 144 ballots cast, with no invalid ballots and five abstentions, a majority of 93 votes was required for election. Votes obtained were as follows: Emmanuel Kalngui (Cameroon) (106 votes) and Yao Ubuènalè Woeledji (Togo) (33 votes).

For the Group of Western European and other States, out of 147 ballots cast, with no invalid ballots and one abstention, a majority of 98 votes was required for election. Votes obtained were as follows: Fernando Manuel Maia Pimentel (Portugal) (79 votes) and Lindsay Murray Parson (United Kingdom of Great Britain and Northern Ireland) (67 votes).

Thus, one candidate was elected as a member of the Commission in the fourth round for the Group of African States.

Further rounds of balloting were held in order to fill in the one remaining seat allocated to the Group of Western European and other States. In accordance with rule 66 of the Rules of Procedure for Meetings of States Parties, these rounds were open to all candidates of the Group who were not elected in the first ballot.

89. The results of the fifth round of balloting were as follows:

Out of 148 ballots cast, with no invalid ballots and no abstentions, a majority of 99 votes was required for election. Votes obtained were as follows: Fernando Manuel Maia Pimentel (Portugal) (85 votes), Lindsay Murray Parson (United Kingdom of Great Britain and Northern Ireland) (45 votes) and Christian Jürgen Reichert (Germany) (18 votes).

No candidate was elected in the fifth round of balloting.

90. The results of the sixth round of balloting were as follows:

Out of 148 ballots cast, with no invalid ballots and no abstentions, a majority of 99 votes was required for election. Votes obtained were as follows: Fernando Manuel Maia Pimentel (Portugal) (97 votes), Lindsay Murray Parson (United Kingdom of Great Britain and Northern Ireland) (43 votes) and Christian Jürgen Reichert (Germany) (8 votes).

No candidate was elected in the sixth round of balloting. Following that round, Germany informed the Meeting of States Parties of the withdrawal of its candidate.

91. The results of the seventh round of balloting were as follows:

Out of 147 ballots cast, with no invalid ballots and no abstentions, a majority of 98 votes was required for election. Votes obtained were as follows: Fernando Manuel Maia Pimentel (Portugal) (106 votes) and Lindsay Murray Parson (United Kingdom of Great Britain and Northern Ireland) (41 votes).

Thus, one candidate was elected member of the Commission in the seventh round.

92. After the completion of the voting process, the President announced the election of the following 21 members of the Commission for a term of five years commencing on 16 June 2007 and ending on 15 June 2012: Alexandre Tagore Medeiros de Albuquerque (Brazil), Osvaldo Pedro Astiz (Argentina), Lawrence Folajimi Awosika (Nigeria), Harald Brekke (Norway), Galo Carrera Hurtado (Mexico), Francis L. Charles (Trinidad and Tobago), Peter F. Croker (Ireland), Indurlall Fagoonee (Mauritius), Mihai Silviu German (Romania), Abu Bakar Jaafar (Malaysia), George Jaoshvili (Georgia), Emmanuel Kalngui (Cameroon), Yuri Borisovitch Kazmin (Russian Federation), Wenzheng Lu (China), Isaac Owusu Oduro (Ghana), Yong-ahn Park (Republic of Korea), Fernando Manuel Maia Pimentel (Portugal), Sivaramakrishnan Rajan (India), Michael Anselme Marc Rosette (Seychelles), Philip Alexander Symonds (Australia) and Kensaku Tamaki (Japan).

On behalf of the Meeting of States Parties, the President congratulated all newly elected members of the Commission.

VII. Future arrangements regarding the allocation of seats on the Commission on the Limits of the Continental Shelf and the equitable geographical distribution of members of the International Tribunal for the Law of the Sea

93. The allocation of seats on the Commission and the equitable geographical distribution of members of the Tribunal were the subject of two separate agenda items. The Meeting, however, agreed that during the deliberations, delegations could address the two items jointly, if they so wished.

94. The delegation of Singapore, which made a proposal on behalf of the Group of Asian States on the allocation of seats on the Commission, made reference to the need to allocate seats equitably in proportion to the number of States parties included in each regional group. In commenting on the equitable geographical distribution of members of the Tribunal, the delegation of Namibia explained that the large growth in the number of States parties since 1996 changed the proportional size of the regional groups.

95. Following deliberations in the plenary, the Meeting decided to continue its consideration of the two agenda items in informal consultations under the coordination of Mr. Diego Malpede (Argentina), Vice-President. Additional consultations were held by the President of the Meeting with the representatives from the five regional groups.

96. At the last plenary, as a result of these consultations, the Meeting adopted a decision entitled "The allocation of seats on the Commission and the Tribunal", without a vote (see SPLOS/163). The decision was adopted with the understanding that, for practical reasons, the next election of seven judges of the Tribunal, to be held at the eighteenth Meeting of States Parties, would take place on the basis of the existing arrangements.

VIII. Report of the Secretary-General under article 319 of the United Nations Convention on the Law of the Sea

97. Under this agenda item, the Meeting had before it the annual report of the Secretary-General on oceans and the law of the sea (A/62/66). As in previous years, several States expressed their appreciation to the Secretary-General and the Division for the useful and comprehensive information contained in the report.

98. A wide range of issues addressed in the report were noted and commented upon, including developments within the Tribunal, the Authority and the Commission. In addition, delegations raised the following issues: continued depletion of fish stocks owing to overcapacity, overfishing, illegal unreported and unregulated (IUU) fishing, unsustainable fishing practices and other destructive methods; illicit traffic in narcotic drugs; traffic of human beings, in particular children and women; traffic in light weapons; smuggling of migrants at sea; transhipment of hazardous material; transport of dangerous substances, including radioactive waste; the effects of climate change on oceans food chain and sea levels; the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects; capacity-building and assistance to

States and the need to protect marine biodiversity, including biodiversity beyond areas of national jurisdiction, against adverse impacts.

99. A number of delegations stressed that the Convention and its implementing agreements provided the legal framework for all activities in the oceans and seas. In this regard, one delegation called for greater cooperation among international bodies supporting the development of rules applicable to activities carried out in the oceans. A view was expressed that the 1995 Fish Stocks Agreement was not yet a universal instrument since it had a limited number of States parties.

100. Some delegations expressed concern over what they perceived as a trend to favour of protection of the environment to the detriment of the rights enshrined in the Convention. In this regard, they stressed the need to respect the package of rights and obligations under the Convention. Some delegations supported the implementation of compulsory pilotage in conformity with the Convention in order to ensure safety of navigation and the protection of coastal environments, including vulnerable ecosystems. It was stated that such a measure, however, should be voluntary. A view was expressed that even though the right of coastal States to take measures to protect the marine environment must be recognized, the implementation of compulsory pilotage by one State was endangering the freedom of navigation and the right of transit passage under the Convention.

101. In relation to maritime safety and security, some delegations noted increasing human rights violations against seafarers. A view was expressed that it was not clear whether legal action should be taken against the ship owners or the flag States. In that regard, reference was made to the Maritime Labour Convention of 2006. Several delegations highlighted regional and national instruments including the Nairobi International Convention on the Removal of Wrecks of 2007, the Nairobi Regional Strategy in collaboration with the International Maritime Organization (IMO) on incidents at sea, the Regional Agreement on Combating Piracy and Armed Robbery against Ships in Asia, and the United States policy for the repression of piracy. It was also stated that the International Atomic Energy Agency should be encouraged to continue considering strengthening rules for the transport of dangerous materials and adopting stricter rules governing responsibility and liability. With reference to actions taken pursuant to the Proliferation Security Initiative a view was expressed that they should be applied in conformity with the Convention, and in particular the right of innocent passage in the territorial sea.

102. One delegation stated that its Government had volunteered to undergo the Voluntary IMO Member State Audit Scheme and stressed the importance of strengthening implementation by flag States of their obligations under relevant international conventions. In this regard, another delegation highlighted the need for a genuine link between the flag State and the ship flying its flag and also for increasing the role of port States, in accordance with international law.

103. In relation to the protection of the marine environment, it was pointed out that certain intrusive marine scientific research could negatively impact fragile ecosystems and resources of the deep sea, including marine genetic resources exploited for commercial purposes. Regarding marine genetic resources, some delegations stated that the regime for genetic resources was governed by the principles and provisions of the Convention and supported the idea that deep seabed genetic resources in areas beyond national jurisdiction were the common heritage of mankind. It was recalled that, regarding the regime established under the

Convention, in Part XIII on marine scientific research, the distinction between scientific investigation, research and development, and exploitation of marine genetic resources, namely between pure and applied marine scientific research had never been accepted universally, since there was no perceivable difference in the activity or method.

104. Some delegations referred to the work carried out by the Advisory Body of Experts on the Law of the Sea of the Intergovernmental Oceanographic Commission (IOC/ABE-LOS) of the United Nations Educational, Scientific and Cultural Organization on the "Draft guidelines, within the context of the Convention, for the collection of oceanographic data by specific means". Others stressed that discussions in that body addressed the collection of oceanographic data by specific means and that there was no lack of legal clarity on the regime applicable to operational oceanography. One delegation informed the Meeting about the activities of its Government in relation to marine science and technology, including within the framework of the Antarctic Treaty, the Global Ocean Observing System and the Indian Ocean Early Warning System.

105. With regard to the activities of the bodies established under the Convention, some States called for broader participation of States in the meetings of the Authority since the Authority not only had a very important role with respect to seabed mining but also other activities in the Area. A number of States welcomed the establishment of a Chamber for Maritime Delimitation Disputes within the Tribunal and the outreach and capacity-building activities of the Tribunal.

106. Several States reported on developments at the national level regarding IUU fishing, the conservation and management of marine living resources, the conservation and sustainable use of marine biodiversity, maritime security, and hydrography.

107. At the regional level, Barbados reported on developments in the Caribbean region regarding follow-up to General Assembly resolution 61/197 of 20 December 2006, in particular the establishment of a Caribbean Sea Commission. Chile reported on the agreement to apply interim measures related to pelagic fisheries and bottom fisheries until a South Pacific regional fisheries management organization is established.

108. A number of developing States stressed the need for enhanced technical assistance from States and intergovernmental organizations, and for increased international cooperation, including in the form of exchange of information, technology transfer, and joint implementation measures.

109. As in previous years, divergent views were expressed with regard to the mandate of the Meeting of States Parties to discuss matters of a substantive nature relating to the implementation of the Convention. The Meeting took note of the views expressed and decided to include the item "Report of the Secretary-General under article 319 for the information of States parties on issues of a general nature, relevant to States parties, that have arisen with respect to the United Nations Convention on the Law of the Sea" in the provisional agenda for the next Meeting of States Parties.

IX. Other matters

Dates and agenda items for the eighteenth Meeting of States Parties

110. The Meeting took note that the period 23 June to 3 July 2008 is reserved in the United Nations calendar of conferences and meetings for the eighteenth Meeting of States Parties.

111. The eighteenth Meeting will have on its agenda, inter alia, the items below. The listing of the items is without prejudice to the order in which they will be considered:

- Report of the International Tribunal for the Law of the Sea to the Meeting of States Parties for 2007
- Information reported by the Secretary-General of the International Seabed Authority
- Commission on the Limits of the Continental Shelf:
  - (a) Information reported by the Chairman of the Commission;
  - (b) Workload of the Commission
- Report of the external auditor for the financial period 2006-2007, with financial statements of the International Tribunal for the Law of the Sea as at 31 December 2007
- Report on budgetary matters of the International Tribunal for the Law of the Sea for the financial period 2007-2008
- Election of seven members of the International Tribunal for the Law of the Sea
- The ability of States, particularly developing States, to fulfil the requirements of article 4 of Annex II to the Convention, as well as paragraph (a) of the decision contained in SPLOS/72
- Report of the Secretary-General under article 319 for the information of States parties on issues of a general nature, relevant to States parties, that have arisen with respect to the United Nations Convention on the Law of the Sea
- The allocation of seats on the Commission and the Tribunal
- Other matters.